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**From:** Carvalho, Gabriela  
**To:** Liu, Linda  
**Sent:** 7/18/2014 7:51:41 PM  
**Subject:** FW: Oregon CZARA and Pesticides  
**Attachments:** Coded\_Public\_Comments-pesticides-overall\_7.2.14\_lw.ah.jw.ep.dh.xlsx; CZARA Review\_ Pesticide Label Language.docx

Hi Linda,

I'm still working on our response. Sorry for the long delay. **Ex. 6 - Personal Privacy** I just want to send this to you to show you where I'm headed with the draft of our response. You'll see where I've inserted questions that I'm going to try to answer. I could use your help on the third bullet.

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**From:** Wu, Jennifer  
**Sent:** Wednesday, July 02, 2014 4:58 PM  
**To:** Carvalho, Gabriela; Liu, Linda  
**Cc:** Henning, Alan; Helder, Dirk; Peterson, Erik; Woodruff, Leigh  
**Subject:** Oregon CZARA and Pesticides

Hi Linda and Gabriela (FYI to Pesticide Team, no action needed),

Linda, as in my voicemail, I'm working on Oregon CZARA and pesticide buffers. We're in the middle of reviewing and responding to comments we received from EPA and NOAA's public notice on 12/20/13 on the NOI to disapprove Oregon's CZARA program. I was able to connect with Gabriela just now.

I'll send out a meeting invite to discuss more in a couple of weeks. **Ex. 6 - Personal Privacy** But I thought it would be useful to let you both know a few things:

- 1) FYI - Our Oregon CZARA Pesticide Team (Alan, Dirk Helder, Erik Peterson, and Leigh Woodruff) will need to recommend to our management by August 14 whether we should approve or disapprove based on the pesticide buffers issue. We may also have the option to keep our decision somewhat neutral pending the litigation. Pesticide buffers is 1 of 7 measures being considered. So we'll be wanting to keep you informed and also get your feedback on certain issues.
- 2) Specifically, there are a few questions. Sorry if you've already answered these before.
  - a. The threshold for our disapproval was that the State does not have buffers for aerial application of herbicides on non-fish bearing streams.
  - b. I have questions related to the 1) Current pesticide labels and Court orders/BiOps 2) Scientific considerations in pesticide labels; 3) States developing their own buffers that are more stringent than FIFRA labels
  - c. My questions on this are:
    - i. Current Pesticide Labels. Based on Gabriela's August 16, 2013 write-up, it appears that aerial application of atrazine is not allowed, and the pesticide labels are silent on buffers for aerial application of 2,4-D, though there's general information on how it should be applied. Can you confirm? The label language examples in the attached document may not be indicative of the application restrictions and warnings on every product label that contains the specific active ingredient. Atrazine products do exist in which aerial applications is an allowed application method per the label instructions (do we have an example???) and some 2,4-D labels might

include language that indicate a buffer is required during application (example???). NEED TO ADD LINKS TO PRODUCT LABELS HERE TO PROVIDE EXAMPLES.

ii. Current Pesticide Labels. What are the pesticide label requirements for aerial application of glyphosate? Here are two references: The Reregistration Eligibility Decision (RED) for Glyphosate, and the RED Fact Sheet for Glyphosate. (Do current labeling requirements say anything about aerial applications???)

iii. Court Orders/BiOps. Do the BiOps/court orders or related litigation outcomes speak to aerial application of herbicides on non-fish bearing streams? Are there court-mandated buffers for aerial application of atrazine, 2,4-D, or glyphosate? The BiOps and court orders do not speak of non-fish bearing streams. There are no court-mandated buffers for aerial application of atrazine or glyphosate. For 2,4-D, there is.... (we should be more specific to describe the 2,4-D buffers)

iv. Scientific Considerations in Pesticide Labels. How does FIFRA take into account endangered species and human health risks when developing its labels? Are there write-ups specific to the pesticide labels for atrazine, 2,4-D, and glyphosate with scientific papers we can have access to? The point of this would be to see if the basis of the pesticide labels already considered scenarios that are brought up in the comments.

An overview of EPA's ecological (which includes endangered species) risk assessment and human health risk assessment can be found at [http://www.epa.gov/pesticides/about/overview\\_risk\\_assess.htm#ecological](http://www.epa.gov/pesticides/about/overview_risk_assess.htm#ecological). This webpage also contains many other links. (is there a power point we can point them to that will give them a quick, high level overview?)

#### Atrazine

Chemical Information: <http://iaspub.epa.gov/apex/pesticides>

/f?p=CHEMICALSEARCH:3:0::NO:21,3,31,7,12,25:P3\_XCHEMICAL\_ID:1273

RED: [http://www.epa.gov/opp00001/chem\\_search/reg\\_actions/reregistration/red\\_PC-080803\\_1-Apr-06.pdf](http://www.epa.gov/opp00001/chem_search/reg_actions/reregistration/red_PC-080803_1-Apr-06.pdf)

Updates: [http://www.epa.gov/pesticides/reregistration/atrazine/atrazine\\_update.htm](http://www.epa.gov/pesticides/reregistration/atrazine/atrazine_update.htm)

Cumulative Risk Assessment: [http://www.epa.gov/pesticides/cumulative/common\\_mech\\_groups.htm#triazine](http://www.epa.gov/pesticides/cumulative/common_mech_groups.htm#triazine)

#### 2,4-D

Chemical Information: <http://iaspub.epa.gov/apex/pesticides>

/f?p=CHEMICALSEARCH:3:0::NO:21,3,31,7,12,25:P3\_XCHEMICAL\_ID:512

RED: [http://www.epa.gov/opp00001/chem\\_search/reg\\_actions/reregistration/red\\_PC-030001\\_1-Jun-05.pdf](http://www.epa.gov/opp00001/chem_search/reg_actions/reregistration/red_PC-030001_1-Jun-05.pdf)

Fact Sheet: [http://www.epa.gov/opp00001/chem\\_search/reg\\_actions/reregistration/fs\\_PC-030001\\_30-Jun-05.pdf](http://www.epa.gov/opp00001/chem_search/reg_actions/reregistration/fs_PC-030001_30-Jun-05.pdf)

#### Glyphosate

Chemical Information: <http://iaspub.epa.gov/apex/pesticides>

/f?p=CHEMICALSEARCH:3:0::NO:1,3,31,7,12,25:P3\_XCHEMICAL\_ID:2477

RED: [http://www.epa.gov/opp00001/chem\\_search/reg\\_actions/reregistration/red\\_PC-417300\\_1-Sep-93.pdf](http://www.epa.gov/opp00001/chem_search/reg_actions/reregistration/red_PC-417300_1-Sep-93.pdf)

Fact Sheet: [http://www.epa.gov/opp00001/chem\\_search/reg\\_actions/reregistration/fs\\_PC-417300\\_1-Sep-93.pdf](http://www.epa.gov/opp00001/chem_search/reg_actions/reregistration/fs_PC-417300_1-Sep-93.pdf)

v. States Developing Their Own Buffers. While FIFRA clearly states that adhering to the label means meeting FIFRA requirements, are there other thresholds in CZARA such as needing to meet state water quality standards that would mean the State would need to come up with more restrictive pesticide buffer applications? For instance, WA and ID have state laws that require buffers when applying pesticides on non-fish bearing streams that are above and beyond FIFRA. Linda and Gabriela, are you involved in conversations with the State when they choose to apply more restrictive buffers than required by FIFRA?

Oregon Department of Agriculture hasn't instituted buffers for pesticide applications that are more restrictive than federal requirements. When Oregon has instituted more restrictive requirements for pesticide applications, they have done so by enacting a full prohibition of certain active ingredients or certain application methods. For example, on June 26, 2014, Oregon enacted an emergency, temporary rule prohibiting the use of any product containing the neonicotinoid insecticides dinotefuran or imidachlorprid on linden trees. This emergency, temporary administrative rule is in effect from June 26, 2014, to December 23, 2014. Please see the following web page for this rule: [http://www.oregon.gov/ODA/PEST/docs/pdf/2014\\_Bee\\_Dino\\_Imid\\_%20Rule.pdf](http://www.oregon.gov/ODA/PEST/docs/pdf/2014_Bee_Dino_Imid_%20Rule.pdf) Oregon Department of Agriculture does inform EPA Region 10 when it is working to institute a more restrictive regulation of a pesticide.

FYI to Everyone, I've attached the matrix of comments we got related to pesticides. The tabs at the bottom also break down each of the comments by their sub-category. Gabriela's August 16, 2013 write-up is also attached above.

Thanks, and if these questions are relatively easy, feel free to reply by email. Otherwise, we can talk when I get back.

Jenny Wu

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